

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PETER A. CRAWFORD,

Plaintiff,

v.

Civil Action No.
05-cv-10078 (DPW)

WOLVERINE, PROCTOR & SCHWARTZ, INC.,
STEVEN F. CHILINSKI, and
DEEPAK S. KULKARNI,

Defendants.

AFFIDAVIT OF DEEPAK S. KULKARNI

DEEPAK S. KULKARNI, being duly sworn deposes and says:

1. I was the sole stockholder, Chief Executive Officer (“CEO”) and Chairman of the Board of defendant Wolverine, Proctor & Schwartz, Inc. (“WPS”) throughout 1999, 2000 and most of 2001. I submit this Affidavit in opposition to plaintiff Peter A. Crawford’s second motion for partial summary judgment. I have personal knowledge of all the facts stated herein.

2. I have read Crawford’s memorandum of law in support of his motion for summary judgment. The statement of undisputed material facts (“SOF”) included incorporated into that memorandum contains several inaccurate factual assertions.

3. For instance, paragraph 51 of Crawford’s SOF states that:

The management of WPS, LLC was largely unchanged from what it had been in December 2001 when the plaintiff was Chief Operating Officer of WPS, Inc.

Although the SOF fails to specify the precise date Crawford is comparing to December 2001, I will assume his is comparing December 2001 to February 2005 (since the latter is the date mentioned in the preceding paragraph of the SOF). Comparing these two dates, it is inaccurate

to assert that the management of WPS, LLC in February 2005 was “largely unchanged” from the management of WPS, Inc. in December 2001. In December 2001, I was the CEO of WPS, Inc., yet in February 2005 Mark Brown held that position in WPS, LLC. In December 2001, Crawford was WPS, Inc.’s Chief Operating Officer, while in February 2005 Mark Brown was serving as WPS, LLC’s COO. Michael Royea was serving as WPS, Inc.’s Director of Manufacturing in December 2001, while Richard Diefes served in that capacity for WPS, LLC in February 2005.

4. Crawford’s motion papers also seem to suggest that I controlled WPS, Inc. in either March/April 2002 or December 2004/January 2005. This is false. From late January 2002 through February 11, 2005, I served WPS, Inc. only as a consultant and non-executive member of the Board. During this time, I had very limited authority over WPS, Inc. and no ability to control the company, although I was actively involved in those matters which the Board directed me to address.

Signed under the penalties and pains of perjury this 26th day of May 2006.

/s/ Deepak S. Kulkarni
DEEPAK S. KULKARNI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 26, 2006, I filed the foregoing document with the Clerk of the Court using the ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing to the pro se plaintiff, Peter A. Crawford, 23 Newcastle Drive, #11, Nashua, NH 03060, by U.S. mail, on the same date. I further certify that I sent a courtesy copy of this filing and its ECF confirmation to plaintiff at his email address petercra@ix.netcom.com on the same date.

/s/ Jeffrey D. Kuhn
